IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3198 OF 2006

Joseph Rodrigues .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.S.B.Shetye with Anjali Patil for applicant

Mrs.R.M.Gadhvi, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 29th August 2006.

P.C.

. In the light of the fact that the application has been filed by the applicant - accused before the trial court invoking its

powers under section 437(6) of Cr.P.C. Before the period stipulated by this Court for conclusion of trial but according to the applicant, after 60 days from the date fixed for recording evidence, liberty can be granted to the applicant to apply to the trial court afresh, invoking its powers under section 437(6) of Cr.P.C. It is directed that such application, if made, shall be considered in the light of the said provision and also in light of the fact that more than five months have elapsed from the date when the order of expeditious hearing was communicated to the trial court. The fresh application be disposed off without being influenced by any observations in the impugned order.

(S.C.Dharmadhikari, J)